

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 395 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-21.5-2-5, AS AMENDED BY P.L.172-1999,
- 4 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 UPON PASSAGE]: Sec. 5. This article does not apply to the following
- 6 agency actions:
- 7 (1) The issuance of a warrant or jeopardy warrant for the
- 8 collection of taxes.
- 9 (2) A determination of probable cause or no probable cause by the
- 10 civil rights commission.
- 11 (3) A determination in a factfinding conference of the civil rights
- 12 commission.
- 13 (4) A personnel action, except review of a personnel action by the
- 14 state employees appeals commission under IC 4-15-2 or a
- 15 personnel action that is not covered by IC 4-15-2 but may be
- 16 taken only for cause.
- 17 (5) A resolution, directive, or other action of any agency that
- 18 relates solely to the internal policy, organization, or procedure of
- 19 that agency or another agency and is not a licensing or
- 20 enforcement action. Actions to which this exemption applies
- 21 include the statutory obligations of an agency to approve or ratify
- 22 an action of another agency.
- 23 (6) An agency action related to an offender within the jurisdiction
- 24 of the department of correction.

(7) A decision of the department of commerce, the department of environmental management, the enterprise zone board, the tourist information and grant fund review committee, the Indiana development finance authority, the Indiana business modernization and technology corporation, the corporation for innovation development, the Indiana small business development corporation, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.

(8) A decision to issue or not issue a complaint, summons, or similar accusation.

(9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.

(10) A decision concerning the conduct of an inspection, investigation, or other similar inquiry by an agency.

(11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.

(12) Determinations of the department of workforce development under IC 22-4-18-1(g)(1), IC 22-4-40, or IC 22-4-41.

(13) A decision under IC 9-30-12 of the bureau of motor vehicles to suspend or revoke the driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.

(14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.

(15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

(16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.

(17) An adjudication by the bureau of motor vehicles under IC 9-24-18-13 concerning retention of a document supporting an application for a driver's license, a driver's permit, or an identification card."

Page 5, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 22. IC 9-24-18-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) If an employee or agent of the bureau or the commission has an articulable suspicion that a supporting document submitted to the bureau or commission in support of an application for:**

(1) a driver's license or driver's permit under IC 9-24-9; or

1 (2) an identification card under IC 9-24-16;
 2 is fraudulent or submitted fraudulently, the agent or employee
 3 may seize and retain the supporting document.

4 (b) The bureau shall adopt rules under IC 4-22-2 to specify a
 5 procedure under which an individual may petition for the return
 6 of a supporting document seized and retained under this section
 7 to the individual. The rules adopted under this subsection must
 8 provide that:

9 (1) the procedure require an adjudication concerning the
 10 return of the supporting document within thirty (30) days of
 11 the seizure and retention; and

12 (2) if return of the supporting document is denied by the
 13 bureau, the individual may file an action in the circuit court
 14 of the county in which the supporting document was seized
 15 seeking a judicial determination as to whether the denial of
 16 the return of the supporting document was proper.

17 (c) The:

18 (1) commissioner is;

19 (2) employees and agents of the bureau are;

20 (3) employees and agents of the commission are; or

21 (4) the commission is;

22 not civilly responsible for a good faith seizure or retention of a
 23 supporting document under subsection (a)."

24 Page 6, between lines 1 and 2, begin a new paragraph and insert:

25 "SECTION 24. IC 34-30-2-31.5 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 31.5. IC 9-24-18-13 (Concerning the
 28 commissioner, employees, and agents of the bureau of motor
 29 vehicles or the bureau of motor vehicles commission or the
 30 employees or agents of the bureau of motor vehicles commission
 31 for the seizure and retention of a document submitted in support
 32 of an application for a driver's license, driver's permit, or
 33 identification card).

34 SECTION 25. [EFFECTIVE UPON PASSAGE]: (a)
 35 Notwithstanding IC 9-24-18-13, as added by this act, the bureau of
 36 motor vehicles shall carry out the duties imposed upon it under
 37 IC 9-24-18-13, as added by this act, under interim written
 38 guidelines approved by the commissioner of motor vehicles.

39 (b) This SECTION expires the earlier of the following:

1 **(1) The date rules are adopted under IC 9-24-18-13, as added**
2 **by this act.**

3 **(2) December 31, 2005."**

4 Renumber all SECTIONS consecutively.

(Reference is to ESB 395 as printed February 13, 2004.)

Representative Espich